

REMARKS

35 USC §103

Claims 1-13, 39-48, 50-51 and 53-68 stand rejected as obvious over AU 199929072 in view of Burgdorfer.

The present claims recite that the foam and gel components of the present invention are molded together in a single mold. This is not suggested in the prior art.

Page 5 of the Office Action, correctly cites the Burgdörfer et al. reference for disclosing some preparations of gel materials employed in composite article manufacture, including car seats, for the purpose of providing a padding effect. Burgdörfer also clearly discloses such pads to be cased within an appropriate casing (see for example claim 1: “A pad in which a gel is present within a flexible, resilient casing...” or abstract “suitable casing materials including polyurethane films... These gel pads are particularly useful as... car seat supports...”).

Employing these gels or these gel pads, respectively, of Burgdörfer in the preparations of AU 199929072, may lead to the articles disclosed in AU 199929072, but they do not lead to the invention as claimed. In AU 199929072 gel layers, if present, are always within appropriate casings (see for example page, lines 19-21: “The top layer 41 can also comprise or include a layer of gel material enclosed in a suitable protective cover.”) However, the layers in AU 199929072 are first produced and then combined within a seat member. They are not molded together within one mold as claimed in the present application.

The composite material used with the invention is a composite made during the production of the materials in contact with each other, thereby providing new properties of the produced article. This composite is not rendered obvious by AU 199929072 either alone or in

view of Burgdörfer, since both propose to prepare the gel or the gel pads in separate production steps.

35 USC §102

Claims 63, 67 and 68 have been rejected as anticipated by Kenndoff et al. In doing so, the Office Action alleges that polyurethane films may also include polyurethane gel films and that polyurethane gel foams may be examples for the polyurethane foams of the invention. To the contrary, the articles according to Kenndoff on one hand and according to the invention on the other are different, and the differences are recited as structural features given in the claims.

Kenndoff discloses polyurethane films as backings for the polyurethane foams only in connection with a sheet material. This can be taken for example from column 10, where the backings are introduced following the discussion of the gel foams as such. In lines 6 to 9, we find: “The hydrogel foams according to the invention can also advantageously be applied by processes known per se to sheet-like backings...The invention likewise relates to a process for the production of self-adhesive sheet-like structures based on backing materials coated with polyurethane gel foams; the process is characterized in that the foams defined above or reaction mixtures able to form foam gels are applied to the surface of a backing materials, for example...by casting or known application...”.

Following to this, the materials with backings are always referred to as “sheet-like structures” with these sheet-like structures it is not possible as cited in claims 67 and 68 respectively, that “at least one polyurethane gel is a gel layer at least partially surrounded by said polyurethane foam” or “at least one polyurethane foam is a foam layer at least partially

surrounded by said polyurethane gel.” In Kenndoff it is not disclosed or suggested that the backing and the foam layer might be partially surrounded by each other.

Additional Amendments

Independent claims 1, 62 and 69 add the recitation of the gel chemistry as is supported on page 5, at lines 28-30.

New claim 69 recites the components are “cured in a single mold with foam or pre-formed foam block placed in said one mold.” The recitation of foam or pre-formed foam is supported at page 7, lines 1-5.

New Claim

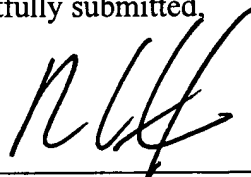
New claim 69 overcomes all the prior art of record.

Conclusion

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



By: Robert C. Haldiman
Husch & Eppenger, LLC
190 Carondelet Plaza
St. Louis, MO 63105
309-637-4900
309-637-4928 FAX